

REFERENCE TITLE: anti-racketeering fund; deposits; reports

State of Arizona
Senate
Forty-ninth Legislature
First Regular Session
2009

SB 1319

Introduced by
Senator Cheuvront

AN ACT

AMENDING SECTIONS 13-2314.01 AND 13-2314.03, ARIZONA REVISED STATUTES;
RELATING TO ORGANIZED CRIME.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:
Section 1. Section 13-2314.01, Arizona Revised Statutes, is amended to read:

13-2314.01. Anti-racketeering revolving fund: use of fund: reports

A. The anti-racketeering revolving fund is established. The attorney general shall administer the fund under the conditions and for the purposes provided by this section. Monies in the fund are exempt from the lapsing provisions of section 35-190.

B. Any prosecution and investigation costs, including attorney fees, recovered for the state by the attorney general as a result of enforcement of civil and criminal statutes pertaining to any offense included in the definition of racketeering in section 13-2301, subsection D, paragraph 4 or section 13-2312, whether by final judgment, settlement or otherwise, shall be deposited in the fund established by this section.

C. Any monies received by any department or agency of this state or any political subdivision of this state from any department or agency of the United States or another state as a result of participation in any investigation or prosecution, whether by final judgment, settlement or otherwise, shall be deposited in the fund established by this section or, if the recipient is a political subdivision of this state, may be deposited in the fund established by section 13-2314.03.

D. Any monies obtained as a result of a forfeiture by any department or agency of this state under this title or under federal law shall be deposited in the fund established by this section. Any monies or other property obtained as a result of a forfeiture by any political subdivision of this state or the federal government ~~may~~ SHALL be deposited in the fund established by this section OR SECTION 13-2314.03. Monies deposited in the fund pursuant to this section or section 13-4315 shall accrue interest and shall be held for the benefit of the agency or agencies responsible for the seizure or forfeiture to the extent of their contribution. Except as provided in subsections F and G of this section the monies and interest shall be distributed within thirty days of application to the agency or agencies responsible for the seizure or forfeiture. Monies in the fund used by the attorney general for capital projects in excess of one million dollars are subject to review by the joint committee on capital review.

E. Monies in the fund may be used for the following:

1. The funding of gang prevention programs, substance abuse prevention programs, substance abuse education programs and witness protection pursuant to section 41-196 or for any purpose permitted by federal law relating to the disposition of any property that is transferred to a law enforcement agency.

2. The investigation and prosecution of any offense included in the definition of racketeering in section 13-2301, subsection D, paragraph 4 or section 13-2312, including civil enforcement.

1 3. The payment of the relocation expenses of any law enforcement
2 officer and the officer's immediate family if the law enforcement officer is
3 the victim of a bona fide threat that occurred because of the law enforcement
4 officer's duties.

5 F. On or before January 15, April 15, July 15 and October 15 of each
6 year, each department or agency of this state receiving monies pursuant to
7 this section or section 13-2314.03 or 13-4315 or from any department or
8 agency of the United States or another state as a result of participation in
9 any investigation or prosecution shall file with the attorney general a
10 report for the previous calendar quarter. The report shall be in a form that
11 is prescribed by the Arizona criminal justice commission and approved by the
12 director of the joint legislative budget committee. The report shall set
13 forth **IN DETAIL** the sources of all monies and all expenditures. The report
14 shall not include any identifying information about specific
15 investigations. If a department or agency of this state fails to file a
16 report within forty-five days after the report is due and there is no good
17 cause as determined by the Arizona criminal justice commission, the attorney
18 general shall make no expenditures from the fund for the benefit of the
19 department or agency until the report is filed. The attorney general is
20 responsible for collecting all reports from departments and agencies of this
21 state and transmitting the reports to the Arizona criminal justice commission
22 at the time that the report required pursuant to subsection G of this section
23 is submitted.

24 G. On or before January 25, April 25, July 25 and October 25 of each
25 year, the attorney general shall file with the Arizona criminal justice
26 commission a report for the previous calendar quarter. The report shall be
27 in a form that is prescribed by the Arizona criminal justice commission and
28 approved by the director of the joint legislative budget committee. The
29 report shall set forth **IN DETAIL** the sources of all monies and all
30 expenditures. The report shall not include any identifying information about
31 specific investigations. If the attorney general fails to file a report
32 within sixty days after the report is due and there is no good cause as
33 determined by the Arizona criminal justice commission, the attorney general
34 shall make no expenditures from the fund for the benefit of the attorney
35 general until the report is filed. If a political subdivision of this state
36 fails to file a report with the county attorney pursuant to section
37 13-2314.03 within forty-five days after the report is due and there is no
38 good cause as determined by the Arizona criminal justice commission, the
39 attorney general shall make no expenditures from the fund for the benefit of
40 the political subdivision until the report is filed.

41 H. On or before January 30, April 30, July 30 and October 30 of each
42 year, the Arizona criminal justice commission shall compile the attorney
43 general report and the reports of all departments and agencies of this state
44 into a single comprehensive **DETAILED** report and shall submit a copy of the
45 report to the governor, with copies to the director of the department of

1 administration, the president of the senate, the speaker of the house of
2 representatives and the director of the joint legislative budget committee.

3 Sec. 2. Section 13-2314.03, Arizona Revised Statutes, is amended to
4 read:

5 13-2314.03. County anti-racketeering revolving fund: use of
6 fund: reports

7 A. The board of supervisors of a county shall establish a county
8 anti-racketeering revolving fund administered by the county attorney under
9 the conditions and for the purposes provided by this section.

10 B. Any prosecution and investigation costs, including attorney fees,
11 recovered for the county as a result of enforcement of civil and criminal
12 statutes pertaining to any offense included in the definition of racketeering
13 in section 13-2301, subsection D, paragraph 4 or section 13-2312, whether by
14 final judgment, settlement or otherwise, shall be deposited in the fund
15 established by the board of supervisors.

16 C. Any monies received by any department or agency of this state or
17 any political subdivision of this state from any department or agency of the
18 United States or another state as a result of participation in any
19 investigation or prosecution, whether by final judgment, settlement or
20 otherwise, shall be deposited in the fund established by this section or in
21 the fund established by section 13-2314.01.

22 D. Any monies obtained as a result of a forfeiture by the county
23 attorney under this title or under federal law shall be deposited in the fund
24 established by this section. Any monies or other property obtained as a
25 result of a forfeiture by any political subdivision of this state or the
26 federal government ~~may~~ SHALL be deposited in the fund established by this
27 section or in the fund established by section 13-2314.01. Monies deposited
28 in the fund pursuant to this section or section 13-4315 shall accrue interest
29 and shall be held for the benefit of the agency or agencies responsible for
30 the seizure or forfeiture to the extent of their contribution. Except as
31 provided in subsections F and G of this section the monies and interest shall
32 be distributed to the agency or agencies responsible for the seizure or
33 forfeiture within thirty days of application.

34 E. Monies in the fund may be used for the funding of gang prevention
35 programs, substance abuse prevention programs, substance abuse education
36 programs, ~~and witness protection~~ pursuant to section 11-536 or for any
37 purpose permitted by federal law relating to the disposition of any property
38 that is transferred to a law enforcement agency. ~~Monies in the fund may be~~
~~transmitted by the county attorney on behalf of any political subdivision of~~
~~this state to the Arizona drug and gang policy council for the funding of~~
~~gang prevention programs, substance abuse prevention programs and substance~~
~~abuse education programs.~~ Monies in the fund may be used for the
43 investigation and prosecution of any offense included in the definition of
44 racketeering in section 13-2301, subsection D, paragraph 4 or section
45 13-2312, including civil enforcement.

1 F. On or before January 25, April 25, July 25 and October 25 of each
2 year, the county attorney shall ~~cause to be filed~~ FILE with the Arizona
3 criminal justice commission a report for the previous calendar quarter. The
4 report shall be in a form that is prescribed by the Arizona criminal justice
5 commission and approved by the director of the joint legislative budget
6 committee. The report shall set forth IN DETAIL the sources of all monies
7 and all expenditures. The report shall not include any identifying
8 information about specific investigations. If the county attorney fails to
9 file a report within sixty days after it is due and there is no good cause as
10 determined by the Arizona criminal justice commission, the county attorney
11 shall make no expenditures from the fund for the benefit of the county
12 attorney until the report is filed.

13 G. On or before January 15, April 15, July 15 and October 15 of each
14 year, each political subdivision of this state receiving monies pursuant to
15 this section or section 13-2314.01 or 13-4315 or from any department or
16 agency of the United States or another state as a result of participating in
17 any investigation or prosecution shall ~~cause to be filed~~ FILE with the county
18 attorney of the county in which the political subdivision is located a report
19 for the previous calendar quarter. The report shall be in a form that is
20 prescribed by the Arizona criminal justice commission and approved by the
21 director of the joint legislative budget committee. The report shall set
22 forth IN DETAIL the sources of all monies and all expenditures. The report
23 shall not include any identifying information about specific
24 investigations. If a political subdivision of this state fails to file a
25 report within forty-five days after the report is due and there is no good
26 cause as determined by the Arizona criminal justice commission, the county
27 attorney shall make no expenditures from the fund for the benefit of the
28 political subdivision until the report is filed. The county attorney shall
29 be responsible for collecting all reports from political subdivisions within
30 that county and transmitting the reports to the Arizona criminal justice
31 commission at the time that the county report required pursuant to subsection
32 F of this section is submitted.

33 H. On or before January 30, April 30, July 30 and October 30 of each
34 year, the Arizona criminal justice commission shall compile all county
35 attorney reports into a single comprehensive DETAILED report and all
36 political subdivision reports into a single comprehensive DETAILED report and
37 submit a copy of each comprehensive report to the governor, the president of
38 the senate, the speaker of the house of representatives and the director of
39 the joint legislative budget committee.